

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**ERNEST RECE BURBAGE, III,** : **Civil No. 1:18-cv-0915**

**Plaintiff,** :

**v.** :

**D. WARDEN SULLEN, et al.,** :

**Defendant.** : **Judge Sylvia H. Rambo**

**ORDER**

Before the court is a report and recommendation of the magistrate judge in which he recommends that this case be dismissed with prejudice for failure to file an amended complaint. (Doc. 7.) Upon a review of the report and recommendation as well as the relevant case law, and noting that Plaintiff has failed to respond to an order to show cause issued by this court on August 7, 2018 (Doc. 9), **IT IS HEREBY ORDERED** as follows:

- 1) The report and recommendation is **ADOPTED**.
- 2) The complaint is **DISMISSED WITH PREJUDICE** as frivolous for failure to state a claim.
- 3) The Clerk of Court shall close this case.

s/Sylvia H. Rambo

SYLVIA H. RAMBO

United States District Judge

Dated: September 18, 2018